IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3598 OF 2005

IN

SUIT NO.2875 OF 2004

Ajay Sohanlal Jhuria ...Plaintiff

vs.

State of Maharashtra & others. ...Defendants

Ms.T.G.Vora i/b. B.K.& Girdharilal, for Plaintiff.

Mr.P.G.Lad, AGP, for Defendant nos.1 & 8.

Mr.Pimpale, for Respondent no.2.

Mr.B.B.Saraf i/b. M/s.Kishore Thakordas & Co. for Defendant no.11.

CORAM: D.K.DESHMUKH,J.

DATED: 12th October,2006

P.C.:-

This is a notice of motion taken out by the plaintiff for placing the suit on board as undefended long cause suit. The contesting defendant in this suit is admittedly defendant no.11 Trust. The learned Counsel for plaintiff himself admits that the Trust has not been

properly joined and that for properly joining that Trust amendment in the suit is necessary. In this circumstance, it is clear that there is no question of passing any decree in the suit as undefended suit at this stage. The notice of motion is therefore, disposed of.